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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/445,135 | 03/13/2000 | DARRELL WAYNE RANDALL | RCA88682 | 9528 |

7590 12/03/2003

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/03/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/445,135 | RANDALL ET AL. |
| | Examiner | Art Unit |
| | Scott Beliveau | 2614 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-13 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6 November 2003 have been fully considered but they are not persuasive. However, upon further consideration, a new ground(s) of rejection is made as it is the examiner's opinion that the rejection is deficient when the claim is considered as a whole.

With respect to applicant's arguments that the Youman et al. reference fails to disclose a "control means for displaying concurrently a list of program descriptive fields and an entry for entering a text string", the examiner respectfully refers the applicant to Figure 38F which illustrates the claimed limitation wherein a "list of program descriptive fields" such as the title of the program and an "entry for entering a text string" [330] are illustrated concurrently.

While not argued by the applicant, it is the examiner's opinion that the rejection is deficient in that the examiner's interpretation that the claimed limitations when considered as a whole may be rejected under 35 U.S.C. 102 using elements from two separate screens is incorrect. In particular, the claim is limiting such that "program descriptive fields" recited throughout the claim is same "descriptive field". Accordingly, a new grounds of rejection is presented under 35 U.S.C. 103 using the previous references.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action was not persuasive and, however, the finality of that action is withdrawn in view aforementioned deficiency in the previous grounds of rejection.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al. (WO 96/17473).

Claims 1, 6, and 12 are rejected in view of the Youman et al. reference, which discloses an “apparatus” [10] (Page 11, Lines 3-9) wherein “channel guide information” is searchable and alphabetically sorted under the direction of a “control means” [16]. The embodiment is operable to facilitate these operations via a “user control means” [31/40] (Figures 3-4) which enables a user to “select a program descriptive field from the list of program descriptive fields” [321] (Figure 38C; Page 48, Lines 5-14) and to subsequently “enter a text string” [330] (Figure 38F) to search for programming (Page 46, Lines Page 47, Lines 14-25). Subsequent, to the entry of the “text string” [330] the “control means” [16] is operable to “perform an alphabetical sort of the programs based on the entered text string and the selected program descriptive field” and to “locate a first program with the respective program description” as is illustrated in Figure 38F (Page 47, Lines 26-33 – Page 48, Lines 1-4).

As aforementioned, the “list of program descriptive fields” [321] of Figure 38C is not displayed concurrently with the “entry for entering a text string” of Figure 38D. Accordingly, it would have been an obvious matter of design choice to modify the embodiment such that “list of program descriptive fields” [321] of Figure 38C is displayed

concurrently with the “entry for entering a text string” of Figure 38D, in order to provide a user friendly means for selecting criteria without needing to switch between screens.

Claims 2, 7, and 13 are rejected wherein the list of programs as illustrated in Figure 38F displays the list of programs as being “alphabetically sorted” with the “first program” most closest to the entered character or characters highlighted (Page 47, Lines 26-30).

Claims 3 and 8 are rejected wherein the “program descriptive field may relate to title” [321]. As illustrated in Figure 38C, other “program descriptive fields” such as the “context of the programs” or theme may be utilized (Page 48, Lines 5-14).

As to the recited limitations in claims 4 and 9 wherein the sorting method moves “sentence articles” such that they are not used as the primary basis of searching, it is well known in the art to “move” or ignore indefinite and definite articles when sorting a list of descriptors such as titles. The Youman et al. reference further suggests that it may be desirable to exclude uninformative listings (Page 46, Lines 26-33). Accordingly, it would have been obvious to one of ordinary skill in the art to modify the aforementioned Youman et al. searching method/technique so as to “move any sentence articles of the respective program description to the end of the respective program description” as is known in the art for the purposes of presenting the user with useful/meaningful search results regardless of variations of the use of the article.

In consideration of claims 5 and 10, the aforementioned reference does not explicitly disclose the scenario wherein “if the locating step cannot locate the first program . . . the next program on the alphabetical sorted list . . . is selected instead”. As shown in Figure 38E, the reference illustrates that the search is operable to further display terms that “immediately

follow the position where the first program" is located when sorted alphabetically. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the invention to "select" the "next program on the alphabetical sorted list immediately following the position where the first program would have been located" in the event that the exact search string cannot be found for the purpose of providing the user with a search result set is closely related to the user defined "text string" to advantageously assist the user in locating programs should the aforementioned "text string" contain spelling errors.

Claim 11 is rejected wherein a viewer may further utilize the embodiment so as to "select another program descriptive field" in order to conduct the search operations against a "descriptive field" other than title as referenced in the rejection of claims 3 and 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-HELP.

SEB
December 1, 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600